

Appendices

Environmental Decision Record and TVA Internal Reviewer Comments

TVA and USACE Public/Interagency Notice Correspondence

TDEC Aquatic Resource Alteration Permit

RESOURCE STEWARDSHIP ENVIRONMENTAL DECISION RECORD (EDR)*

PROJECT ID NUMBER 89867

(Assigned by Initiating Organization)

TRACKING NUMBER: _____

(NEPA Administration Use Only)

Organization Initiating Project: Cherokee/Douglas Watershed Team

Project Manager: Ben Peters Address: WPB 1-A MOT Phone: x3793

Preparer:: same

(If different from Project Manager)

Address: _____ Phone: _____

Project Action Title: Nolichucky Sand Company's Proposed Dredge

Project Action Description:

- a. Location: (e.g., TVA land, facility, reservoir, county, state) Mile 50 Nolichucky River Left Bank
Quad Sheet 181 SE-Greene Co., Tn.
- b. TVA Involvement: (TVA land, facility, funds, technical assistance, etc.) Tract No.s NOR-14A, 14, 15 & 12B
- c. Narrative: (include name of applicant, if any) Tom Bewley, president Nolichucky Sand Company, Inc., proposes to mine sand with a boat and dredge along one mile of river 500 feet downstream of Bird's Bridge, left bank. Sand would then be pumped up hill to private property where stored and separated. Remaining water would then be pumped back into river. Ongoing project for about 10 years duration. Proposes to harvest of approximately 200,000 tons of sand per year.

Public Notification: No Yes X (Attach Copy)

Permits Required from Other Agencies: TDEC and USACE

Project Environmental Commitments: (Attach sheet for additional commitments. Include performing organization and estimated completion date.)

Included in the attached Environmental Assessment (EA) and incorporated by reference.

LEVEL OF REVIEW DETERMINATION: (Check one, based on supporting information on Page 2)

 Categorical Exclusion pursuant to Section 5.2. of TVA NEPA Procedures. No nonroutine commitments have been identified as necessary to avoid significant environmental impacts. *The action does not qualify for categorical exclusion if Unknown or Significant is checked under Potential Effects.*

X Environmental Assessment (EA) or

 Environmental Impact Statement (EIS) needed, pursuant to Sections 5.3 or 5.4 of TVA NEPA Procedures. (See EA or EIS instructions).

Signature, Project Manager

Date

Resource Stewardship NEPA Review

Date

Distribution (with pages of attachments):

cc: NEPA Administration, WT 8C-K

Stanford E. Davis, Regional Environmental Scientist, WPB 1A-MOT

PROJECT ID NUMBER
(Assigned by Initiating Organization)

89867

TRACKING NUMBER:
(NEPA Administration Use Only)

Media Categories	Potential Effects					Requirements			Information Source
Refer to Exhibit 3 of EDR instructions for description of media categories.	NONE	UNKNOWN	BENEFICIAL	INSIGNIFICANT	SIGNIFICANT	NONE	PERMITS	COMMENTS	Provide name of media expert providing input or reference document and date (reference documents are to be attached to EDR). This column must be completed for each media category unless none is checked. If you are certain that potential effects (either positive or negative) are none, it is not necessary to contact the media expert. Refer to Exhibit 2 of EDR instructions for a listing of TVA media experts for each category.

WASTE STREAM GENERATION OR ALTERATION									
Air	x					x			Nature of action; S. Davis
Hazardous Waste	x					x			Nature of action; S. Davis
Solid Waste	x					x			
Special Materials	x					x			
Wastewater			x	x		x			Nature of Action; S. Davis, site inspected June 11, 1999

SOCIOECONOMIC EFFECTS									
Land Use	x					x			Nature of Action; S. Davis, site inspection June 11, 1999
Transportation	x					x			Nature of Action; S. Davis
Recreation				x				x	Addressed in this EA (G. Humphrey)
Noise				x		x			Addressed in this EA (S. Davis)
EMF	x					x			Nature of Action; S. Davis

EFFECTS									
Groundwater	x					x			Nature of action; S. Davis
Surface Water			x					x	Addressed in this EA (G. Peck)
Stream Modification			x					x	Addressed in this EA (G. Peck)
Floodplains			x					x	Addressed in this EA (R. Milstead)
Wetlands	x							x	Addressed in this EA (S. Cottrell)
Farmland	x					x			Nature of Action; S. Davis
Significant Managed Areas			x					x	Addressed in this EA (S. Cottrell)
Historic Structures			x			x			Addressed in this EA (C. Tichy, see Appendices)
Historic Sites			x			x			Addressed in this EA (C. Tichy, see Appendices)
Archaeological Resources			x			x			Addressed in this EA (D. Olinger, see Appendices)
Aquatic Ecology			x					x	Addressed in this EA (G. Peck)
Terrestrial Ecology			x					x	Addressed in this EA (S. Cottrell)
Protected Species-Sensitive Habitat									
Aquatic Animals	x					x			Addressed in this EA (S. Cottrell, see Appendices, i.e., FWS to USACE)
Terrestrial Animals	x					x			Addressed in this EA (S. Cottrell, see Appendices, i.e., FWS to USACE)
Plants	x					x			Addressed in this EA (S. Cottrell, see Appendices, i.e., FWS letter to USACE)
Visual			x	x		x			5/28/99 e-mail from Sam Perry; see Appendices

Peters, Benjamin H.

From: Perry, Samuel C.
Sent: Friday, May 28, 1999 10:56 AM
To: Peters, Benjamin H.
Subject: Nolichucky Sand Dredging

This would be Beneficial, Insignificant, and No Commitments needed from a VISUAL standpoint. We would need to be sure that this guy doesn't suck the sand away from the ramp at Bird Bridge! Maybe this operation will help keep Davy Crockett Lake from becoming a complete wetland.

Page 1

May 28, 1999

Ben Peters, WPB 1A-MOT

NOLICHUCKY RESERVOIR - NOLICHUCKEY SAND AND GRAVEL - PROPOSED SAND
HARVESTING OPERATION - NOLICHUCKY RIVER MILE 50.1L

This responds to your May 24 request for comments on the subject land use proposal.

The proposed project involves dredging about 200,000 tons of sand per year for a commercial sand operation. For compliance with Executive Order 11988, dredging would be considered as a repetitive action in the floodplain that should not result in adverse floodplain impacts if the dredged material is spoiled outside the limits of the floodplain. Based on a field inspection by one of our engineers, we believe the sand retention area would be outside the limits of the 100-year floodplain.

We have no objection to the proposed project and license agreement provided sufficient language is included in any transfer document(s) to ensure that:

- You agree to securely anchor all floating facilities and/or items that can float (including the fuel tank) to prevent them from floating free during major floods.
- 2. You agree that sand will be stored and contained on land lying and being above the 1270-foot contour. Every precaution will be made to prevent the reentry of the sand into the reservoir.
- 3. Any future facilities or equipment subject to flood damage are located above or floodproofed to the approximate 500-year flood elevation 1275.0.
- 4. Any future development proposed within the limits of the approximate 100-year floodplain, elevation 1270.0 is consistent with the requirements of Executive Order 11988.
- 5. TVA retains the right to flood this tract.

For the EDR use the following information:

<u>Category</u>	<u>Potential Effects</u>	<u>Requirements</u>
Floodplains	Insignificant	Commitments

The commitments would be the conditions listed above.

Roger A. Milstead, P.E.
Technical Specialist
Watershed Technical Services
WT 10C-K

RAM
cc: Files, RO, WT 10C-K

My documents\word\land\nolichuckeysand



**PUBLIC NOTICE
NOLICHUCKEY SAND COMPANY, INC.
REQUEST FOR USE OF TVA LAND FOR
LAKE ACCESS AND SAND MINING**

Tom Bewley, President, Nolichucky Sand Company, Inc., has requested a license for the use of TVA land to mine sand over a 10-year period from Davy Crockett Lake on the Nolichucky River. The dredge would be permitted to operate within a 30-acre portion of lake bottom over about one mile beginning 500 feet downstream of Bird Bridge. The property is presently under a license to the Tennessee Wildlife Resource Agency and is within the Nolichucky Wildlife Management Area and Waterfowl Refuge. The additional license would allow a temporary access area (gravel ramp) to be excavated on about one-quarter acre of TVA land and allow sand dredging. A processing facility, now under construction, would be located on adjoining private land. Several trees would be removed and other shoreline vegetation would be disturbed. Removal of sand from TVA land in the lake bottom would be accomplished by suction dredging and operations would occur 10 hours per day, 5 days per week, and occasionally on Saturdays. Dredging operations are proposed to be shut down from November 15 through December 31 each year. The proposed operation would produce 200,000 tons of sand per year. Recovered sand would be sold commercially for a variety of construction and industrial uses.

On May 19, the U.S. Army Corps of Engineers issued Public Notice No. 99-49 on this project for consideration under Section 10 of the River and Harbors Act of 1899. TVA is seeking public input on this proposal as it considers whether to grant permission for use of its land. TVA wants to identify issues of concern to the public that should be addressed in reviewing Nolichucky Sand Company's request. Both TVA and the Corps are working together to evaluate the environmental effects of this request and are conducting a joint environmental review.

The public is encouraged to comment on the proposal. Public input will be used in determining the level of environmental review and in reaching a decision about granting the needed license. Written comments should be submitted to the address below on or before July 9. Comments by electronic mail may be sent to sedavis2@tva.gov. To make verbal comments or for additional information call 423/632-3791 Knoxville, or 423/587-5601 Morristown.

Stanford E. Davis
TVA Resource Stewardship
Cherokee-Douglas Watershed Team
2611 West Andrew Johnson Highway
Morristown, Tennessee 37814-2395

Public Notice - Distribution List

Dr. Lee A. Barclay
Field Supervisor
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Mayor
Town of Greeneville
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Greeneville, Tennessee 37743

Ms. Bridget R. Baird
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Kingsport, Tennessee 37660

Tom Bewley, President
Nolichuckey Sand Company
1980 Greystone Road
Greeneville, Tennessee 37745



US Army Corps
of Engineers
Nashville District

Public Notice

Public Notice No. 99-46

Date: May 19, 1999

Application No. 5164500

In Reply Refer to:
Regulatory Branch, PC Box 1070, Nashville, TN 37202-1070

PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS

SUBJECT: Proposed Commercial Sand Dredging in the Nolichucky River, Greene County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899. The proposed return water discharge to the river from the upland sand retention area has been previously permitted for the purposes of Section 404 of the Clean Water Act under the authority of Nationwide Permit No. 16.

APPLICANT: Nolichucky Sand Company, Inc.
Route 9, PO Box 290
Greenville, Tennessee 37743

LOCATION: Between Mile 49.0 and Bird Bridge (Approximate Mile 50.3), Nolichucky River, Greene County, Tennessee, Lat: 36°05'-14"/Long: 82°50'-12".

DESCRIPTION: The proposed work consists of dredging sand from the river down stream from the Bird Bridge at the above location. The estimated production is 200,000 tons of sand per year. The applicant would use a suction dredging system (with eight-inch intake and discharge lines) mounted on a floating barge measuring approximately 11.5 feet wide and 33.0 feet long. Sand would be pumped to an upland retention area on the south side of the river and water carrying sand to this area would be returned to the river via piping from two dewatering wheels. A temporary ramp would be excavated into the riverbank on the south side of the river on the Burgner property for launching the barge. A minimal amount of tree cutting would be required to establish the launching ramp. The requested permit would authorize dredging for a five-year period. Dredging would occur during the period January 1 through November 15 and approximately 10 hours per day, Monday through Friday. Occasionally dredging would be necessary on Saturdays. The sand would be sold commercially for use in various activities such as road construction, preparation of leachate beds for landfills and water treatment plants, and pipe bedding in sewage treatment systems.

Received

5/20/99

A map showing the location of the proposed dredging is included with this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the

- Location of SAWS Retention area



permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Interagency Archaeological Services - Atlanta.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

a. A point source discharge permit from the Tennessee Division of Water Pollution Control under the National Pollutant Discharge Elimination System (NPDES).

b. An Aquatic Resource Alteration Permit (ARAP) from the Tennessee Division of Water Pollution Control.

c. A land use license from the Tennessee Valley Authority related to TVA's ownership of land adjacent to Davy Crockett Lake.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before June 23, 1999, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: K. Wade Whittinghill, at the above address, telephone (615) 736-2761.

LIST OF PROPERTY OWNERS NEAR PROJECT

The following are property owners preceded by the number of the parcel they own and represented on the accompanying map.

- 22.00 Greene County
City of Greenville
Court House
Greenville, TN 37743
- 23.00 Guy Cooter
170 Cooter Way
Greenville, TN 37743
- 23.04 Paul and Linda Enrich
350 Kinser Park Ln
Greenville TN 37743
- 23.05 Guy Cooter
170 Cooter Way
Greenville, TN 37743
- 23.06 Jack A. & Carmen J. Cain
7724 Loma Circle
Fisher, IN 46038
- 23.07 Jack A. & Carmen J. Cain
7724 Loma Circle
Fisher, IN 46038
- 23.09 Jack A. & Carmen J. Cain
7724 Loma Circle
Fisher, IN 46038
- 72.00 Lillian R. Weckerly, Life Estate
T. Brooke Sadler, Eral Remainder
301 Kinser Park Lane
Greenville, TN 37743
- 72.01 T. Brooke Sadler et ux
Gram M. Sadler et ux
400 Kinser Park Lane
Greenville, TN 37743

72.02 Henry and Yating Lam
650 W. Andrew Johnson Hwy
Greeneville, TN 37745

72.03 Henry and Yating Lam
650 W. Andrew Johnson Hwy
Greeneville, TN 37745

72.04 William and Esther Sias
400 Kinser Park Lane
Greeneville, TN 37743

74.00 Lillian Hilton
185 Kinser Park Lane
Greeneville, TN 37743



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

June 23, 1999

Lt. Colonel Christopher J. Young
District Engineer
U.S. Army Corps of Engineers
P.O. Box 1070
Nashville, Tennessee 37202-1070

Attention: Mr. Wade Whittinghill, Regulatory Branch

Subject: Public Notice 99-49 (May 19, 1999). Application by Nolichucky Sand Company, Incorporated, to dredge sand from the Nolichucky River in Greene County, Tennessee.

Dear Colonel Young:

The Fish and Wildlife Service (Service) has reviewed the subject public notice with regard to the proposed commercial dredging of sand between Nolichucky River Miles 49.0 and 50.5. The estimated production is 200,000 tons of sand per year. The applicant proposes to use a suction dredging system mounted on a floating barge. Sand would be pumped to an upland retention area on the south side of the river and water carrying sand to this area would be returned to the river via piping from two dewatering wheels. A temporary ramp would be excavated into the riverbank for launching the barge. A minimal amount of tree cutting would be required to establish the launching ramp. The requested permit would authorize dredging for a five-year period. Dredging would occur between January 1 and November 15 for approximately 10 hours per day.

The applicant currently has a permit to dredge sand from Nolichucky River Miles 59.75 to 60.25. Ten special conditions were placed on this existing permit (see attachment). If these same conditions were placed on the proposed subject permit, we would not object to its issuance. We are especially concerned with Special Condition Number 3. It requires that all waste discharges from on-land processing of dredged material be authorized by a National Pollutant Discharge Elimination System permit pursuant to the Tennessee Water Quality Control Act of 1977. If these special conditions are not made a part of the permit, then we recommend denial.

Our evaluation of this project has included a review for threatened and endangered species. Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is

a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not considered, (2) the action is subsequently modified to include activities which were not considered in this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

We appreciate the opportunity to comment on this proposal, and wish to be advised of your action regarding this permit application. Please contact Timothy Merritt (931/528-6481, ext 211) of my staff if you have questions regarding the information provided in this letter.

Sincerely,



Lee A. Barclay, Ph.D.
Field Supervisor

Attachment

cc: Mr. Dan Sherry, TWRA, Nashville
Mr. Eric Somerville, EPA, Atlanta
Mr. Dan Eagar, TDEC, Nashville
Mr. Stanford Davis, TVA, Morristown

Landings from
Existing Permit
at NRM 60.0

SPECIAL CONDITIONS
APPL. NO. 51,645

Special Conditions:

1. That the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
2. That no dredging be done so near the shoreline to cause instability of the shoreline and, in no case, closer than 30 feet.
3. That all waste discharges from on-land processing of dredged material be authorized by a National Pollutant Discharge Elimination System (NPDES) permit pursuant to the Tennessee Water Quality Control Act of 1977.
4. That all unstable land areas, subject to erosion, that have resulted from land based excavation (i.e. construction of sand retention facility, access road, and temporary launch ramp) will be stabilized as soon as practicable to prevent such erosion.
5. Permittee agrees that Corps personnel may board dredging vessels for unannounced periodic inspections of dredging operations to assure adherence to all permit conditions.
6. That unless specifically authorized by the District Engineer, no dredging shall be done within 200 feet of any ferry crossing or within 500 feet of any pier of a bridge.
7. That no dredging shall be done within 300 feet of any pipeline, cable crossing, dock, loading or unloading terminal, or other authorized installation or structure, without prior written consent of the owner thereof.
8. That if the display lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals, as may be prescribed by the United States Coast Guard, shall be installed and maintained by and at the expense of the permittee.
9. That all anchor cables will be attached onshore in a manner that will not cause an abrasive action on the riverbanks, thus causing instability and erosion.
10. That the permittee strictly adheres to the method of operation addressed in the permit's project description.

ATTACHMENT

11.02

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Prepared For:

NOLICHUCKEY SAND COMPANY
1980 Greystone Road
Greeneville, Tennessee 37743
(423) 638-5269

August 6, 1999

Prepared By:

VAUGHN & MELTON
219 West Depot Street
Greeneville, Tennessee 37743
(423) 639-0271

V&M Project No. 29902-51

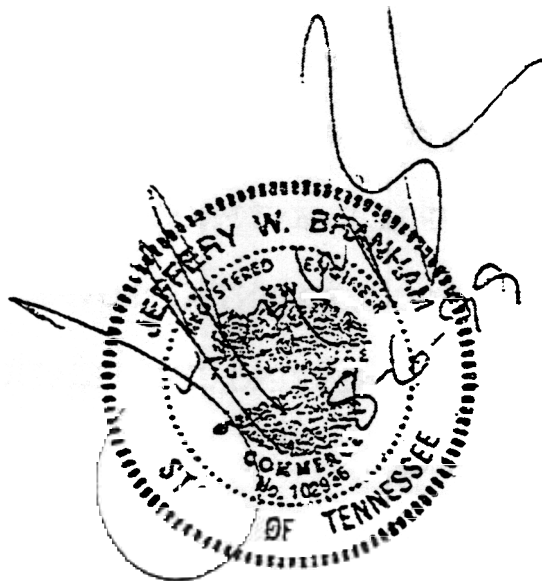


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1. INTRODUCTION

The Nolichuckey Sand Company facility is located on the Nolichuckey River at the intersection of Old Asheville Highway and Birds Bridge Road. This facility dredges river sand.

The facility has one portable 300 gallon tank for diesel fuel. According to TVA, a Spill Prevention Control and Countermeasure (SPCC) Plan is required for the tank. The remainder of this document contains the SPCC Plan.

2. GENERAL INFORMATION

2.1 Description of Facility

The fuel tank contains the fuel supply for a booster pump. It is mounted on skids and is moved via forklift. The tank is moved only at the end of the dredging season or when it is threatened by flood waters.

Diesel fuel is delivered by a tank truck. The fuel is dispensed from the truck to the tank with a standard nozzle as would be used to fuel vehicles.

2.2 Spill Events

No spill events have occurred at this facility since it has been in operation.

2.3 Potential Failure Assessment

The potential for tank rupture at this facility is minimal. The steel tank remains in one place most of the time and is moved only occasionally, therefore limiting the potential for damage.

Overflow of the tanks while being re-filled by the tank trucks is prevented by the tank truck operator being required monitor the entire fueling process. In addition, the nozzle is equipped with a shut-off device. Since no equipment is fueled from the tank, the only potential for leakage after the fuel leaves the tank is in the hose or connections to the booster pump.

If a tank were to rupture and a spill were to occur, the fuel would discharge to the ground and could eventually discharge into the Nolichuckey River.

3. OPERATIONS PLAN

3.1 Containment and Diversionary Structures

A spill control container designed for use with portable tanks will be utilized to protect against an accidental discharge. The selected model, McMaster Carr No. 41455T, has a capacity of 430 gallons, which is 140% of the fuel tank's volume of 300 gallons. Additional specifications of the containment vessel are located in the Appendix.

The container is constructed of chemical-resistant, seamless polyethylene which makes failure of the containment vessel from corrosion very unlikely. Provision for the storage of stormwater or stormwater runoff is unnecessary because the tank will be covered with a tarp at all times.

If a tank were to rupture then all of the diesel fuel would be captured in the containment vessel. A local dealer of waste oil products would be contacted as soon as possible to have the containment area pumped out. Sorbent materials would be used to clean any product which could not be pumped out. The waste sorbent materials would then be disposed of in an approved landfill.

3.2 Bulk Storage Tank Requirements

A periodic integrity test will be conducted on the tank. The inspection consists of visually checking the tank, tank supports, and foundations for any irregularities and/or leaks. In addition, the hoses and fittings connecting the tank to the booster pump will be inspected for visible leaks and weaknesses. In addition, the outside of the tank should frequently be observed by operating personnel for signs of deterioration, leaks which might cause a spill, or accumulation of oil inside the containment area. Comparison records should be kept where appropriate. Otherwise, no written record needs to be kept.

Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts sufficiently large to cause the accumulation of oil in containment area should be promptly corrected.

3.3 Pipelines and Pumping Systems

Other than an insignificant amount of piping used for the dispensing of the diesel fuel, there is no other piping which transports petroleum products on the property.

3.4 Tank Truck Loading/Unloading Area

Tank truck unloading shall be monitored by the truck operator at all times. No trucks will be loaded from the tank.

Leakage from the trucks is cleaned as soon as possible with sorbent materials. Waste sorbent materials are disposed of in an approved landfill.

3.5 Security Procedures

Routine surveillance will be utilized to protect against vandalism and other unauthorized access to the site.

4. INSPECTION, MAINTENANCE, AND RECORDS

4.1 Containment and Diversionary Structures

The containment vessel will be inspected regularly for cracks and other problems which could result in the release of diesel fuel if the tank were to rupture. Any problems encountered will be corrected as soon as possible. See the Operations Plan above for further information.

Written records may be kept for comparison purposes if it is deemed necessary.

4.2 Inspections and Records

If the results of any inspection are written, the record shall be signed by the appropriate supervisor or inspector and will be maintained for a period of 3 years.

4.3 SPCC Plan Location and Availability

The owner and/or operator of this facility shall maintain a complete copy of this Plan at the facility and shall make such Plan available to the Regional Administrator of the Environmental Protection Agency, or his designee, for on-site review during normal working hours.

4.4 SPCC Plan Amendment and Review

Owners or operators of facilities shall amend the SPCC Plan whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

A complete review and evaluation of this SPCC Plan shall be made at least once every three years. As a result of this review and evaluation, the owner or operator shall amend the SPCC Plan within six months of the review to include more effective prevention technology if: (1) such technology will significantly reduce the likelihood of a spill event from the facility, and (2) if such technology has been field-proven at the time of the review.

No amendment to an SPCC Plan shall be effective to satisfy these requirements unless it has been certified by a Registered Professional Engineer.

5. PERSONNEL, TRAINING AND SPILL PREVENTION PROCEDURES

All personnel operating any of the equipment will be instructed by the owner or an operator in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations. The instruction will be given to all new employees upon employment and to all others at intervals frequent enough to assure adequate understanding of the SPCC Plan. The instruction will highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures. The owner of this facility is the designated person accountable for oil-spill prevention.

6. SPILL EVENT PROCEDURES

If this facility has a discharge of more than 1,000 U.S. gallons of oil into or upon the navigable waters of the United States in a single spill event, or a discharge of oil in harmful quantities, as defined in 40 CFR Part 110 (see below), into or upon the navigable waters of the United States in two spill events, reportable under section 311(b)(5) of the FWPCA, occurring within any twelve month period, the owner or operator of this facility shall submit to the EPA Regional Administrator, within 60 days from the time the spill(s) occurs, the following:

1. Name of the facility;
2. Name(s) of the owner or operator of the facility;
3. Location of the facility;
4. Date and year of initial facility operation;
5. Maximum storage or handling capacity of the facility and normal daily throughput;
6. Description of the facility, including maps, flow diagrams, and topographical maps;
7. A complete copy of the SPCC Plan with any amendments;
8. The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;
9. The corrective actions and/or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
10. Additional preventive measures taken or contemplated to minimize the possibility of recurrence;
11. Such other information as the Regional Administrator may reasonably require pertinent to the Plan or spill event.

A complete copy of all information provided to the Regional Administrator as required above shall be sent at the same time to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control.

A discharge of oil in harmful quantities, as defined in 40 CFR Part 110, includes discharges of oil that violate applicable water quality standards, such as those stipulated in the NPDES stormwater permit for this site, or cause a film or sheen upon or discoloration of the surface of the water or cause a sludge or emulsion to be deposited beneath the surface of the water.

7. MANAGEMENT APPROVAL

In accordance with Title 40, § 112.7 of the Code of Federal Regulations, I, the undersigned, am familiar with the facilities, procedures, methods, and equipment discussed in the SPCC Plan contained herein and give full approval to it. Furthermore, I am at a level of authority to commit all the necessary resources to implement the procedures, methods, and plans contained herein.

Tom Bowley, Pres. 8/6/97
Tom Bowley, President Date
Nolichucky Sand Company

8. ENGINEERING CERTIFICATION STATEMENT

In accordance with Title 40, § 112.3(d) of the Code of Federal Regulations, I, the undersigned, hereby certify to the best of my knowledge and belief, having examined the facility and being familiar with the provisions of the Title 40, Part 112 of the Code of Federal Regulations, that the SPCC Plan contained herein has been prepared in accordance with good engineering practices.

VAUGHN & MELTON (TENNESSEE), INC.

Jeffery W. Branham, P.E.
Jeffery W. Branham, P.E.



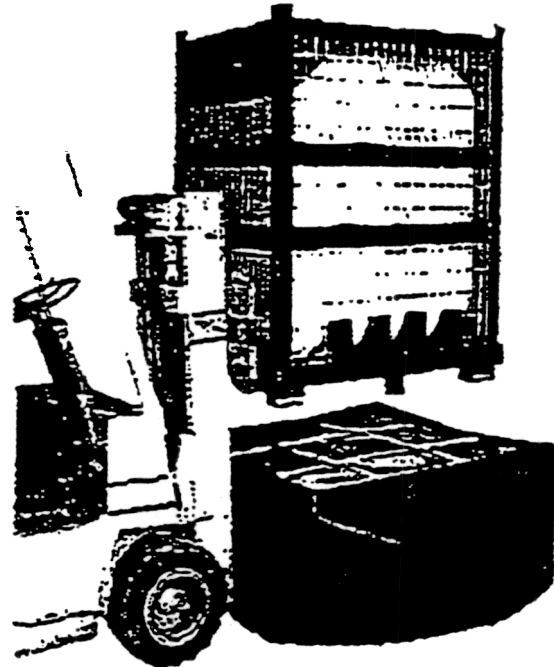
APPENDIX

41455T

No Drain Holes

The SP-4000 Spill Container for Portable Tanks and I.B.C's

The SP-4000 Spill Container is specifically designed to contain spills and leaks from containers holding up to 430 gallons of liquid. It effectively contains drips and spills from container filling operations. It helps protect personnel, work areas, soil and ground water when containing regulated liquids. This unit meets or exceeds all EPA and regulatory requirements for secondary containment.



Above photo shows correct placement of IBC on SP-4000 unit.

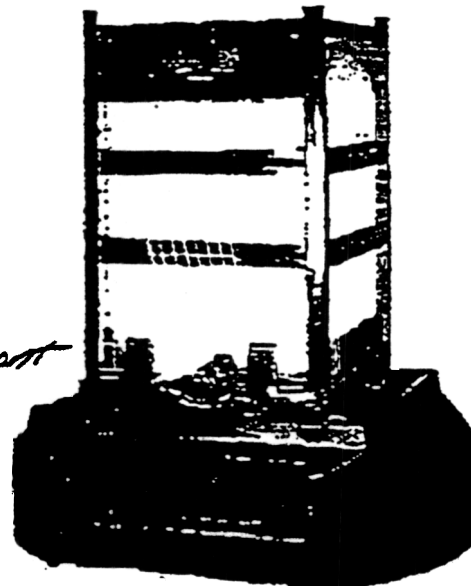
Molded out of chemical resistant polyethylene.

Reinforced design with internal support and one-piece seamless construction provides long-lasting heavy duty usage.

Unique flat-wall access design allows easy fork lift loading, positioning and storage of containers.

Ultra-smooth surfaces for ease of cleaning.

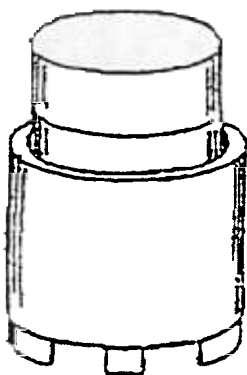
- side on 54" sq pad
- round base-80" flat sided front which is stationary
- 2 5/8" Ht to pad
- The other side is 68 1/2"



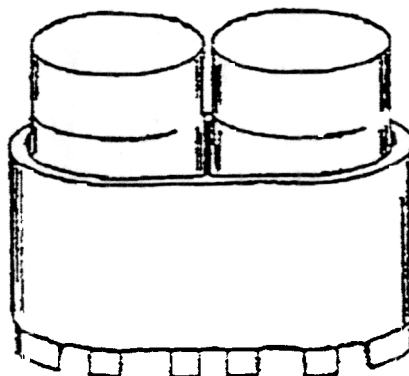
Fully sealed IBC on unit SP-4000 (IBC not included)

Portable spill containment molded bulk containers

the line of Spill Containers

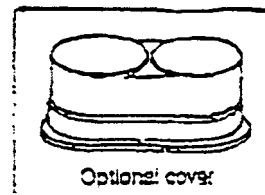


SP-55 One Drum Unit



SP-255 Two Drum Unit

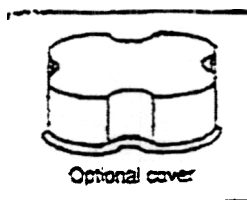
41455T



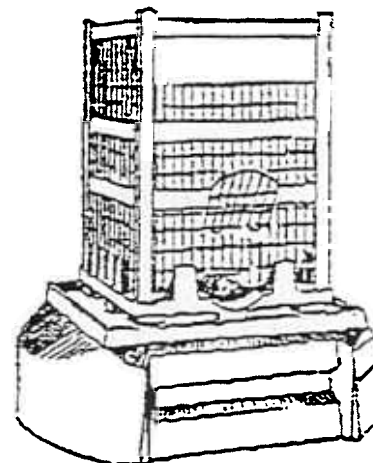
Optional cover



SP-455 Stackable Four Drum Unit



Optional cover



T14-SP-4000 for IBC's

Part No.	Load Capacity	Dimensions L x W x H	Shipping Weight	Fork Clearance
SP-55 (1-Drum)	900 lbs.	30-1/4 OD x 25H	28 lbs.	8-1/4W x 5-1/4H
SP-255 (2-Drum)	1800 lbs.	56 x 30 x 24	45 lbs.	9-1/2W x 5H
SP-455 (4-Drum)	-	50-1/2 x 50-1/2 x 17-1/2	50 lbs.	-
SP-455 (4-Drum) Cover	-	53-1/2 x 53-1/2 x 20-1/2	45 lbs.	-
SP-255 (2-Drum) Cover	-	56 x 30 x 27-1/2	30 lbs.	-
T14-SP-4000	6000 lbs.	80 D x 24-1/4 H	280 lbs.	-

Better ideas in roto-molded bulk containers